

ORDINANCE NO. 2019-4

SUBDIVISION REGULATIONS

FOR

THE VILLAGE OF NEW CONCORD

2019 Update

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ARTICLE 1 - TITLE, SCOPE AND JURISDICTION

Section 100 – Title

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of the Village of New Concord," and shall hereinafter be referred to as "these regulations."

Section 101 - Purpose

- (a) Land subdivision is the first step in the process of community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is, therefore, to the interest of the public, the developer and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.
- (b) The Comprehensive Plan, Comprehensive Plan Updates, SR 83 Design Framework Manual and the following standards guiding the Planning Commission are designed to provide for the harmonious development of the area; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provision for light, air, recreation, transportation, water, drainage, sewer and other sanitary facilities.

Section 110 - Administration

These regulations shall be administered by the Village Administrator with assistance by the Village Engineer.

Section 120 - Jurisdiction

These regulations shall be applicable to all subdivisions of land within the Village corporation limits or lands that are in the process of annexation to the Village of New Concord. The Village Planning Commission shall have the power of final approval of all plats.

Section 130 - Relation to Other Laws

The provisions of these regulations shall supplement any and all laws of the State of Ohio, Village ordinances, or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

Section 140 - Amendments

These regulations may be amended after public hearings and other requirements as specified in the appropriate sections of the Ohio Revised Code.

Section 150 - Separability

If, for any reason, any clause, sentence, paragraph, section or other part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgement shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so held to be invalid.

ARTICLE 2 - DEFINITIONS

INTERPRETATION OF TERMS OR WORDS:

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel".

ALLEY: See Thoroughfare

BUILDING LINE: See Setback Line

COMPREHENSIVE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the Planning Commission and/or Village Council showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of the community. As defined herein, the Comprehensive Plan shall include any land use, thoroughfare, open space, parks, or community facilities planning documents adopted by the Planning Commission and/or Village Council.

CORNER LOT: See Lot Types

COVENANT: A written promise or pledge.

CUL-DE-SAC: See Thoroughfare

CULVERT: A transverse drain that channels water under a bridge, street or driveway.

DEAD-END STREET: See Thoroughfare

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

- (a) Gross Density - The number of dwelling units per acre of the total land to be developed.
- (b) Net Density - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DEVELOPER: Any individual, subdivider, firm association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

DRAWING: The map drawing, or chart on which the developers plan of subdivision is presented to the Planning Commission for preliminary approval, after such approval, or in concurrence with this submittal, the final plat will be prepared for submission.

DWELLING UNIT: Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER: Any person registered to practice professional engineering by the State Board of Registration as specified in Section 4733 Ohio Revised Code.

HIGHWAY OR TRANSPORTATION DIRECTOR: The Director of the Ohio Department of Transportation.

HIGHWAY: Definition needed per Section 3.03

IMPROVEMENTS: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of raw land into building sites.

LOCATION MAP: See Vicinity Map.

LOT: For purposes of these regulations, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portion of lots of record.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under Yards in this section.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

LOT MEASUREMENTS: A lot shall be measured as follows:

- (1) Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (2) Width of a lot shall be considered to be the straight line distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 70 percent of the required lot width.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Muskingum County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:

- (1) A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet an interior angle of less than one hundred thirty-five degrees (135°).
- (2) An interior lot is a lot other than a corner lot with only one frontage on a street.
- (3) A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (4) A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

MINOR SUBDIVISION: A division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131, Ohio Revised Code. Also known as Lot Split.

MONUMENTS: Permanent concrete markers shall be used to establish definitely all boundary, line corners and points of change in street alignment. The monuments shall be of two types.

- (1) Type A - A cylindrical concrete marker six inches in diameter and 36 inches in length with a quarter (1/4) inch iron rod cast at the central axis of the cylinder. Said marker shall be placed in a vertical position with its top being level with the surface of the surrounding ground. To be used at all points not in the pavement area.
- (2) Type B - A machine type iron bolt (without nut) of one-inch diameter by 12 inches in length shall be placed in a vertical position with the head of the bolt upward and level with the surface of the pavement inside an approved monument box. (A point shall be marked on the head of the bolt to indicate the exact point referred to on the Final Plat.) This type of monument shall be installed in the pavement areas.

OPEN SPACE: Any open piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public including but not limited to Green space (land that is partly or completely covered with grass, trees, shrubs, or other vegetation), parks, community gardens, playgrounds, public plazas or other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation and the like shall not be included. Open space shall be considered active or passive as defined below:

- (1) Active - Active open space properties are developed primarily for community access and recreation and include areas that are hardscaped, landscaped, and formalized.
- (2) Passive - Passive open space are areas left in their natural state such as forests, wetlands, streams, and habitat areas.

OUT LOT: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

PAD: A building site prepared by artificial means, including, but not limited to, grading, excavation or filling or any combination thereof.

PARKING SPACE, OFF-STREET: For the purpose of these regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PARKING SPACE, ON-STREET: On-street parking means parking your vehicle on the street, anywhere on or along the curb of streets,

PERFORMANCE BOND OR SURETY BOND: An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations in exchange for desired benefits as requested by the Village. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

PLAT: The map, drawing or chart on which the developer's plan of subdivision is presented to the Planning Commission for approval and, after such approval, to the Muskingum County Recorder for recording.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or public entity have a right, or which are dedicated, whether improved or not.

RIGHT-OF-WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features, such as a grade separation, landscaped areas, viaducts and bridges.

SETBACK LINE: A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards)

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system, which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

SEWERS, ON SITE: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. (See Walkway)

SUBDIVIDER: See Developer

SUBDIVISION:

- (1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll prior to the adoption of these regulations, into two or more parcels, sites or lots any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- (2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (See Minor Subdivision)

SURVEYOR: Any person registered to practice professional surveying by the State Board of Registration as specified in Section 4733 Ohio Revised Code.

TERRAIN CLASSIFICATION: Terrain within the entire area of the preliminary plat is classified as level, rolling, hilly or hillside for street design purposes. The classifications are as follows:

- (1) "Level" is that land which has a cross slope range of four (4) percent or less;
- (2) "Rolling" is that land which has a cross slope range of more than four percent, but not more than eight percent;
- (3) "Hilly" is that land which has a cross slope range of more than eight percent, but not more than 15 percent;
- (4) "Hillside" is that land which has a cross slope range of more than fifteen percent.

THOROUGHFARE, STREET OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof, to be used for vehicular traffic and designated as follows:

- (1) Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- (2) Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- (X) Boulevard - A very wide street that has trees and vegetation on both sides of it with no median in the middle.
- (3) Collector Street: A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- (4) Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- (5) Dead-end Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- (6) Local Street: A street primarily for providing access to residential, commercial or other abutting property.
- (7) Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180-degree system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.

- (8) Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street)

THROUGH LOT: See Lot Types

VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VICINITY MAP: A drawing located on the plat, which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Muskingum County in order to better locate and orient the area in question.

VILLAGE ENGINEER: The Village Administrator or a person duly appointed by the Village of New Concord to represent the interests of the Village from an engineering perspective.

VILLAGE PLANNER: The Village Administrator or a person duly appointed by the Village of New Concord to represent the interests of the Village from a professional land use planning perspective.

WALKWAY: A dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

WATERSHED: The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

YARD: A required open space other than a court unoccupied and obstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward, provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- (1) Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- (2) Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- (3) Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

ARTICLE 3 - PROCEDURE FOR SUBDIVISION APPROVAL

Section 300 - Types of Subdivisions & Preapplication Meeting

There are two types of subdivisions; major subdivisions which require the submission and approval of a plat, and minor subdivisions which have an abbreviated approval process. Either residential or commercial uses may qualify as a major or minor subdivision. Minor subdivisions involve the division of parcels along existing public roads, and no more than five lots after the original tract is completely subdivided. Major subdivisions involve more than five lots, and/or the construction of new public improvements, condominium developments, or other developments involving easements of access. The subdivider is encouraged to meet with the Village Engineer or designated representative prior to submitting any plans or plats. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with the Comprehensive Plan, the zoning ordinance and the drainage, sewerage and water systems for Village of New Concord.

Section 301 - Preapplication Sketch Content

The subdivider may submit, to the Planning Commission, a sketch plan legibly drawn at a suitable scale and containing the following information:

- (1) The proposed subdivision in relation to existing community facilities, thoroughfares and other transportation modes, shopping centers, manufacturing establishments, residential development and existing natural and man-made features, such as soil types, vegetation, contours and utilities in the neighboring area.
- (2) The layout and acreage of streets, lots and any non-residential sites, such as commercial, manufacturing, school or recreational uses within the proposed subdivision.

- (3) The location of utilities in the proposed subdivision, if available, location of significant natural features, or the locations of the nearest sources for water and public facilities for the disposal of sewage and storm water.
- (4) The scale and title of the subdivision, a north arrow and the date.
- (5) Name, address and telephone number of owners and developers.

The purpose of this sketch plan is to provide the developer with the opportunity to discuss a proposed development at a more conceptual level. Review of a sketch plan can provide the developer with Village staff and Planning Commission input before more detailed engineering expenses are incurred.

Section 302 - Preliminary Drawing

After the preapplication stage, the subdivider may submit a preliminary drawing of the proposed subdivision, which shall conform with the requirements set forth in this Article. The preliminary drawing shall be prepared by any of the following:

- (a) A practicing civil engineer licensed by the State of Ohio.
- (b) A practicing landscape architect licensed by the State of Ohio.
- (c) A practicing architect licensed by the State of Ohio.

The preliminary drawing shall certify that the services of one of the professionals indicated above were utilized in its preparation.

Section 303 - Submission to State Highway Director

Before any plat is approved affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Department of Transportation (ODOT) of any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to ODOT District "5". The commission shall not approve the plat for 45 days from the date the notice is received by the ODOT District "5". If the Highway Director notifies the Commission that it shall proceed to acquire the land needed, then the Commission shall refuse to approve the plat. If the ODOT notifies the Commission that acquisition at this time is not in the public interest, or upon the expiration of the 45-day period or any extension thereof agreed upon by the ODOT and the property owner, the Commission shall, if the plat is in conformance with all provisions of these regulations, approve the plat.

Section 304 - Application for Tentative Approval

An application in writing for the tentative approval of the preliminary drawing, together with five copies of the preliminary drawing and the supplementary information specified in this article, shall be submitted to the Administrator and any other agency or department deemed appropriate by the Village Administrator.

Section 305 - Preliminary Drawing Form

The preliminary drawing shall be drawn at a scale not less than 100 feet to the inch and shall be on one or more sheets 24 x 36 inches in size.

Section 306 - Preliminary Drawing Contents

The preliminary drawing shall contain the following information:

- (1) Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the municipality.
- (2) Location by section, range and township or other surveys.
- (3) Names, addresses and telephone numbers of the owner, subdivider and person who prepared the drawing.
- (4) Date of survey.
- (5) Scale of the plat, north point (not more than 100 feet to the inch).

- (6) Boundaries of the subdivision and its acreage.
- (7) Names of adjacent subdivisions, owners of adjoining parcels of un-subdivided land and the location of their boundary lines.
- (8) Locations, widths and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings and corporation and township lines; location of wooded areas and other significant topographic and natural features within and adjacent to the plat for a minimum distance of 200 feet.
- (9) Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
- (10) Existing contours at an interval of not greater than two feet if the slope of the ground is 15 percent or less; and not greater than five feet where the slope is more than 15 percent.
- (11) Existing sewers, water lines, culverts and other underground structures and power transmission poles and lines within the adjacent to the tract.
- (12) 100-year flood elevations and boundaries of flood-prone areas as defined according to FEMA maps.
- (13) Location, names and widths of proposed streets and easements.
- (14) Building setback lines with dimensions.
- (15) Location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system.
- (16) Layout, numbers and approximate dimensions of each lot. When a lot is located on a curved street, or when side lot lines are not at 90 degree angles, the property line shall be shown.
- (17) Proposed open space in acres to be reserved for public use or to be reserved by covenant for residents of the subdivision.
- (18) Master stormwater management plan for the proposed development that demonstrates compliance with the Village's requirements and the Ohio EPA requirements.
- (19) A vicinity map at a scale of not less than 400 feet to the inch shall be shown on, or accompany, the preliminary drawing. This map shall show all existing subdivisions, roads and tract lines and the nearest existing thoroughfares.
- (20) The names and addresses of the owner or owners of record, the sub divider or developer and the engineer or surveyor.

Section 307 - Supplementary Information

The following information shall be supplied in addition to the requirements in Section 306.

- (1) Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry.
- (2) Location and approximate dimensions of all existing buildings.
- (3) For commercial and industrial development, the location, dimensions and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets and the points of vehicular ingress and egress to the development.
- (4) Description of proposed covenants and restrictions.
- (5) Names and addresses of all property owners who adjoin the proposed subdivision (including those across the street from the site).
- (6) Description of sidewalks and lighting to be provided.
- (7) Typical roadway section including plan and profile for each type of roadway proposed.
- (8) Master landscaping plan for the proposed development.

Section 308 - Filing

The preliminary plan shall be considered officially filed when all required information is submitted to the authorized representative of the Planning Commission with the applicable filing fee. As necessary the Village Engineer and/or Village Administrator shall establish a plan review fee schedule based upon the actual estimated cost for providing these services.

Section 309 - Public Hearing

Upon receipt of a formal and complete application for preliminary plan approval, a public hearing shall be held no earlier than three weeks following the date of filing of the application. A notice of the public hearing shall be published in one newspaper of general circulation 15 days before the hearing, and notices shall be sent to all adjoining property owners.

Section 310 - Approval of Preliminary Drawing

The Village Administrator shall forward copies of the preliminary drawing to such officials and agencies as are deemed necessary for the purpose of study and recommendation. After receipt of reports, if any, from such officials and agencies, the Planning Commission shall determine whether the preliminary drawing shall be approved, approved with modifications or disapproved. If a drawing is disapproved, the reasons for such disapproval shall be stated in writing. The Planning Commission shall act on the preliminary drawing within 60 days after public hearing unless such time is extended by agreement with the subdivider. When a preliminary drawing has been approved by the Planning Commission, the chairman shall sign all copies and return one to the subdivider for compliance with final approval requirements. Approval of the preliminary drawing shall be conditional upon compliance with all other applicable statutes, ordinances and regulations of the municipality, but will not constitute acceptance of the final plat.

Section 311 - Approval Period

The approval of the preliminary drawing shall be effective for a maximum period of 18 months and shall guarantee that the terms under which the approval was granted will not be affected by changes to these regulations unless such changes are mandated by Federal or State law.

Section 312 - Final Plat Required

The subdivider must submit a final plat of the subdivision and drawings and specifications of the improvements required therein. The final plat shall have incorporated all changes in any previous plan reviewed by the Planning Commission. The final plat and the supplementary information shall be prepared by a qualified registered engineer or surveyor.

Section 313 - Application for Approval of Final Plat

An application for approval for the final plat shall be submitted on forms provided by the Village Administrator, together with five copies of the plat and the supplementary information specified, shall be submitted to the Village Administrator

Section 314 - Regulations Governing Improvements

The final detailed plans and specifications of improvements shall be prepared and submitted two weeks in advance of a regularly scheduled meeting of the Planning Commission by a registered professional engineer. The plans shall be drawn on mylar or other material of equal permanence and shall be on one or more sheets 24" x 36" in size. The plans shall include typical sections, plans and profile views, site grading plan, construction details and estimates of quantities. All final detailed plans and specifications of the improvements shall meet the approval of the Village Engineer and other State and County agencies where applicable prior to commencing the installation of the required improvements.

PRIOR TO THE GRANTING OF APPROVAL OF THE FINAL PLAT, THE SUBDIVIDER SHALL HAVE INSTALLED THE REQUIRED IMPROVEMENTS OR SHALL HAVE FURNISHED A SURETY OR CERTIFIED CHECK FOR 115% OF THE AMOUNT OF THE ESTIMATED CONSTRUCTION COST OF THE ULTIMATE INSTALLATION AND THE INITIAL MAINTENANCE OF THE IMPROVEMENTS.

Before the surety is accepted, it shall be approved by the proper administrative officials. The term of the surety shall extend 12 months beyond the completion date of the project.

Section 315 - Final Plat Form

The final plat shall be prepared by a registered professional surveyor and legibly drawn in waterproof ink on tracing cloth or other material of equal permanence. It shall be drawn at a scale not less than 100 feet to the inch and shall be one or more sheets 24" x 36" in size. When possible, a scale of one-inch equals 50 feet should be used. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.

Section 316 - Final Plat Contents

The final plat shall contain the following information:

- (1) Identification
 - a) Name of Subdivision
 - b) Location by Section, Town and Range and other legal description as necessary
 - c) Names of owners and signature and seal of registered surveyor to be lettered and signed in black opaque ink
 - d) Scale shown graphically
 - e) Date
 - f) North point
- (2) Delineation
 - a) All delineation to be in black opaque ink on the tracing (including signatures)
 - b) Boundary of Plat will be shown as a heavy line to indicate the limits of the plat. All plat boundary lines will be shown with the lengths and bearings of course. The boundaries shall be determined by an accurate survey in the field, which will be balanced and closed with an error of closure not to exceed 1 to 10,000. Computation sheet may be submitted with the plat upon request.
 - c) True bearings and distances should tie to the nearest established street lines and/or official monuments, which shall be accurately described on the plat.
 - d) Municipal, Township, County and/or section lines accurately tied to the lines of the subdivision by distances and bearings.
 - e) Accurate location of all monuments. One Type A monument shall be placed at each change in direction of the boundary of the plat. One Type B monument shall be placed at the points of intersection of the centerline of streets and on the centerline of streets at the points of curvature.
 - f) Exact location, width and name of all streets within and adjoining the plat and the exact location and widths of all alleys and cross walkways. (The name of a street shall not duplicate that of any existing street. Proposed street names shall be checked with the proper Municipal and County officials.)
 - g) Exact location and width of all easements and rights-of-way provided for public services or utilities, with limitation of the easement rights definitely stated on the plat.
 - h) All lot or parcel numbers and lines, with accurate dimensions in feet and hundredths.

- i) Accurate designation of any areas to be dedicated or reserved for public use, with the purpose indicated thereon.
- j) Radii, internal angles, points of curvature, point of tangency and lengths of all acres.
- k) Estimated elevation for 100 Year Flood Plain.
- l) Building set-back lines accurately shown with dimensions.
- m) In case the subdivision is traversed by a water course, channel, stream or creek, the existing or prior location and/or the proposed location of such water course shall have the top of bank shown.
- n) Legal description of the boundaries of the plat.
- o) Total acreage in plat, total acreage in street right-of-way and total acreage in lots will be shown on the plat.
- p) A certification by a registered surveyor to the effect that the plat represents a true and accurate survey made by him. (See sample wording for certification.)
- q) Space for approval by signature of Owner, Village and County Officials in accordance with the following:

A) Owners Certification

I/We, the undersigned, owners of the property hereon described, do hereby adopt this subdivision into lots as shown, establish setback lines as shown, (except buffer lot--which is dedicated on condition the abutting right-of-way dedication is extended or widened beyond said buffer lot), and dedicate to public use, rights-of-way as shown, and we do further grant easements as shown hereon and designated as utility reservations, roadway easement and drainage easement.

WITNESSES:

OWNERS:

- (1) Boundaries of each type of use restrictions;
- (2) Other private restrictions for each definitely restricted section of the subdivision.

State of Ohio }
SS
County of _____ }

Witness my hand and seal the day and year first above written.

My Commission Expires:

I hereby certify this is a true and accurate plat of survey made by me on _____, 20____ of the hereinbefore described property, subdividing the same into lots numbered _____ through _____ inclusive. I also hereby certify that all other lot corners are set, or will be set, upon completion of the improvements.

We hereby approve and accept this plat according to the subdivision rules and regulations for _____, Ohio this ____ day _____, 20____.

Transferred this ____ day of _____, 20____.

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F) Office of the Muskingum County Recorder

This plat filed for Record this ___ day of _____, 20___ at _____ .m.

Recorded this _____ day of _____, 20___, in Plat Book _____, Page _____.

Muskingum County Auditor

Section 317 - Supplementary Information

The following information shall be supplied in addition to the requirements in Section 316:

- (1) If a zoning change is involved, certification from the Zoning Inspector shall be required indicating that the change has been approved and is in effect.
- (2) Certification shall be required showing that the final detailed plans and specifications for the improvements have been approved by the Village Engineer and other proper State and County agencies.
- (3) Certification shall be required showing that all required improvements have been either installed and approved by the proper officials or agencies, and that a bond or other survey has been furnished assuring installation and initial maintenance of the required improvements.

Section 318 - Filing

The final plat shall be considered officially filed when all required information is submitted to Village Administrator with the applicable filing fee.

Section 319 - Approval of Final Plat

The Planning Commission shall approve or disapprove the final plat within 30 days after it has been filed. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission and a copy of said record shall be forwarded to the subdivider. The Commission shall not disapprove the final plat if the developer has complied with all applicable regulations and has proceeded in accordance with the conditions and standards specified in the approved preliminary drawing. If disapproved, the subdivider shall make the necessary corrections and resubmit the final plat within 60 days to the Commission for its final approval. If a plat is refused by the Commission, the person submitting the plat shall be entitled to such appeal as is provided in the Ohio Revised Code.

Section 320 - Recording of Final Plat

When the final plat has been approved by the Planning Commission, the original tracing shall be returned to the subdivider for filing with the Muskingum County Recorder after all necessary certifications are received. The final plat shall be recorded with the Muskingum County Recorder within six months from the date of approval of the Planning Commission. If not recorded within this time, the approval of the Planning Commission will be null and void.

Section 321 - Minor Subdivision (Lot Splits)

Approval without a plat of a minor subdivision may be granted by the Planning Commission if the proposed division of a parcel of land meets all of the following conditions:

- (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road;
- (2) No more than five lots are involved after the original parcel has been completely subdivided;
- (3) The proposed subdivision is not contrary to applicable subdivision or zoning regulations (such as lot size or lot frontage);
- (4) The property has been surveyed and a sketch and legal description of the property is submitted with the application.

If an authorized representative of the Planning Commission is satisfied that the proposed minor subdivision meets all of the above requirements shall, such representative shall, within 7 working days after submission, approve such proposed division and, upon presentation of a conveyance for said parcel, shall stamp "Approved by the New Concord Planning Commission. No plat required.", and the authorized representative of the Commission shall sign the conveyance.

Section 322 - Requirements for Submission of Minor Subdivision

- (1) The subdivision drawing shall be submitted at a scale of not more than 100 feet to the inch.
- (2) Shown on the drawing will be the original parcel of land which is proposed for subdividing with all proposed lots or parcels. Shown on the drawing of the parcel will be dimensions of all property lines of the original and proposed parcels. Include where available angles and bearings.
- (3) The drawing shall include all adjoining property lines, rights-of-way, and easements.
- (4) The drawing shall include existing zoning on the original parcel and existing and applicable new building setback lines.
- (5) North arrow, graphic scale, and the date shall be shown.
- (6) Included will be the owner's and applicant(s)'s name, signature, and date.

Section 323 - Resubdivision (Replat)

Whenever a developer or property owner desires to resubdivide an already approved final subdivision plat, the developer or property owner shall first obtain approval by the same procedures and according to the same requirements described for new subdivisions. Resubdivision includes any changes in street layout, or other public improvement, any change in lot lines, changes in any land use for public purposes, or any change in easements. Whenever, the Planning Commission, in its sole discretion, finds that due to the minor nature of proposed changes to the existing subdivision, waivers of specific procedural requirements contained herein would not be contrary to the purpose and intent of this Ordinance, then such requirements may be waived.

Section 324 - Lot Combinations

Lots may be combined with all or parts of adjoining parcels, provided that any division of property is accomplished in accordance with these regulations, and not in conflict with zoning code requirements.

ARTICLE 4 - SUBDIVISION DESIGN STANDARDS

Section 400 - General Statement

The regulations in this Article shall control the manner in which streets, lots and other elements of a subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, creation of usable lots, provision of space for public utilities and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design development. The Commission shall insure that all of the requirements of this Article are met. In addition, all improvements must meet the minimum requirements of the Construction and Materials Specifications of the State of Ohio, Department of Transportation and the Ohio Environmental Protection Agency.

Section 401 - Conformity to Development Plans and Zoning

The arrangement, character, width and location of all arterial and collector thoroughfares, or extensions thereof, shall conform with the Comprehensive Plan and any area specific plans as adopted by Village Council. Thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the Planning Commission based upon the design standards set forth in this Article. In addition, no plat shall be approved unless it conforms with the requirements of the Zoning Ordinance.

401.1 Relation to Adjoining Street System. The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.

401.2 Street Widths. The minimum width of right-of-way, measured from the lot line to lot line, shall be as shown on the Comprehensive Plan, or if not shown on such plan, shall be not less than as indicated in Tables 1 and 2 of this Article.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the Planning Commission may modify these requirements. Through proposed business areas, the street widths shall be increased ten feet on each side, if needed, to provide parking without interference of normal passing traffic.

401.3 Additional Width on Existing Streets. Subdivisions that adjoin existing streets shall dedicate additional rights-of-way to meet the above minimum street width requirements.

(1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

(2) When the subdivision is located on only one side of an existing street, at least one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided. In no case shall the resulting right-of-way width be less than sixty feet.

401.4 Restriction of Access. When a tract fronts on an arterial street or highway, the Planning Commission may require such lots to be provided with frontage on a marginal access street.

401.5 Intersections. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than specified in Table 3.

Property line radii at street intersections shall not be less than twenty feet and, where the angle of street intersection is less than 75 degrees, the Planning Commission may require a greater curb radius. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

401.6 Street Jogs. Street jogs with centerline offsets of less than 500 feet shall not be allowed.

401.7 Private Streets and Reserve Strips.

- (1) There shall be no private streets platted in any subdivisions. Every subdivided property shall be served from a publicly dedicated street.
- (2) There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the Planning Commission.

401.8 Alleys. Alleys may be provided to the rear of all lots used for commercial or industrial purposes and shall not be provided in residential subdivisions, except where the subdivider produces evidence satisfactory to the Planning Commission of the need for alleys.

Section 402 - Suitability of Land

No land shall be subdivided which is held unsuitable for its intended use by the Planning Commission for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community. However, the Planning Commission may approve the preliminary and final plats if the subdivider improves the land consistent with the standards of this regulation and other applicable ordinances to make the area, in the opinion of the Planning Commission, suitable for its intended use.

Section 403 - Street Design

The arrangement, character, extend, width, grade construction and location of all streets shall conform to the Comprehensive Plan and any area specific plans as adopted by Village Council and construction standards of the municipality, or subsequent amendments thereto, and shall be considered in their relation to existing and planned streets, topographical conditions and public convenience and safety; and in their appropriate relation to the proposed uses of the land to be served by such streets. The street pattern shall discourage through traffic in the interior of a subdivision. The subdivider shall provide, within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance or alignment of such streets in conformity with the Comprehensive Plan and any area specific plans as adopted by Village Council.

The finished elevation of proposed streets shall be no more than one foot below the 100-year flood elevation. The Planning Commission may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

Section 404 - Street Design Standards for Cul-de-Sacs and Local Streets

The design and improvement standards contained in the following table are minimums for cul-de-sacs and local streets in residential subdivisions. All such streets shall be designed and constructed in accordance with standards as specified in Table 1.

Section 405 - Collector Street Design Standards

The design and improvement standards contained in the following table are minimums for all collector streets. All such streets shall be designed and constructed in accordance with the standards as specified in Table 2.

Section 406 - Horizontal Alignment

When there is an angle of deflection of more than two degrees between two centerline tangent sections of a street, a curve of adequate radius shall connect. Between reverse curves, a minimum tangent of 100 feet shall be introduced.

TABLE 1 STREET DESIGN STANDARDS FOR CUL-DE-SACS AND LOCAL STREETS	
Right-of-Way (ft)	60
Pavement Width (ft)*	26
Sidewalk Width (ft)	5
Minimum Stopping Sight Distance (ft) Shall be in accordance with ODOT's Location and Design Manual, current edition	
Pavement Width (ft)*	28
Minimum Grade	.4%
Maximum Grade	7%
Maximum Cul-de-Sac Length	500
Minimum Cul-de-Sac Radius (ROW)	60
Minimum Cul-de-Sac Radius (Pavement)	45
Minimum Centerline Radius of Streets with an Angle of Turn of:	
1. Between 80 and 100	100
2. Less than 80 or more than 100	200
NOTE: Waivers to the standards contained in this table are permitted under certain conditions based on planned development density and upon the recommendation of the Village Engineer.	
*Pavement width is inclusive of curbs or combination curbs and gutters	

TABLE 2 COLLECTOR STREET DESIGN STANDARDS	
Right-of-Way (ft)	80
Pavement Width (ft)*	37
Sidewalk Width (ft)	5
Minimum Stopping Sight Distance (ft)	Shall be in accordance with ODOT's Location and Design Manual, current edition
Minimum Grade	.4%
Maximum Grade	7%
Minimum Spacing when intersecting with an Arterial (ft)	1320
Minimum Centerline Radius	350

TABLE 2 COLLECTOR STREET DESIGN STANDARDS	
Right-of-Way (ft)	80
NOTE: Waivers to the standards contained in this table are permitted under certain conditions based on planned development density and upon the recommendation of the Village Engineer. * Pavement widths are exclusive of curbs or combination curbs and gutters, and may be reduced to 28 feet upon the recommendation of the Village Engineer based on Development Density.	

Section 407 - Vertical Curves

- (1) No vertical curve shall be established unless the algebraic difference in grades is greater than 1.2 percent. On any vertical curve, the grade shall be at least 0.4 percent between adjacent points.
- (2) Minimum vertical visibility shall conform to the Ohio Department of Transportation's regulations in effect on the date of the approval of the preliminary drawing.
- (3) No street grade shall be more than three percent within 100 feet of an intersection.

Section 408 - Intersection Design Standards

- (1) The design and improvement standards for intersections are minimums for all street intersections in subdivisions. All such intersections shall be designed and constructed in accordance with the standards as specified in Table 3.
- (2) Multiple intersections involving junctions of more than two streets shall be avoided.

TABLE 3 INTERSECTION DESIGN STANDARDS	
Maximum Approach Speed (MPH)	25
Clear Sight Distance (ft) - (Length along each approach leg)	Shall be in accordance with ODOT's Location and Design Manual, current edition
Vertical Alignment with Intersection	Flat
Minimum Angle of Intersection	75 degrees
Streets shall remain in the angle of intersection for at least 100 feet beyond the point of intersection.	(90 degrees preferred)*
Minimum Curb Radius (ft) (a) Local-local (b) Local-collector (c) Collector-collector (d) Collector, marginal access-arterial	25 - all cases 25 - all cases 30 - all cases 35 - all cases
Minimum centerline, offset of adjacent intersections (ft) # (a) Local-local (b) Local-collector (c) Collector-collector (d) Collector, marginal access-arterial	150 - all cases 200 - all cases 300 - all cases 1320 - all cases
* The angle between centerline shall be 90° whenever possible.	

TABLE 3
INTERSECTION DESIGN STANDARDS

Centerline offsets shall be avoided whenever possible.

Section 409 - Special Street Types

The following requirements shall apply to special street types:

- (1) Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turnaround, satisfactory to the Commission in design, is provided and provisions for maintenance and removal are advanced. Temporary dead-end streets longer than 700 feet shall not be permitted.
- (2) Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.
- (3) Alleys shall not be approved in residential subdivisions, except where justified by extreme conditions. Alleys may be required in commercial and industrial districts if other provisions cannot be made for adequate service access. The minimum widths for alleys shall be 20 feet for the right-of-way and 18 feet for the pavement width.

Section 410 - Streets for Commercial Subdivisions

Street serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets. The Planning Commission may require marginal access streets to provide maximum safety and convenience.

Section 411 - Streets for Industrial Subdivisions

Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the commission finds such extension is not in accord with the approved plan of the area.

Section 412 - Sidewalks

- (1) Sidewalks shall be required on both sides of the street in all residential subdivisions.
- (2) Public sidewalks shall be required for all commercial lots. A safe, direct and ADA compliant walkway shall be provided from the public sidewalk to the building entrance.
- (3) Public sidewalks shall be required for industrial lots, subject to approval of the Planning Commission.

Section 413 - Blocks

The following regulations shall govern the design and layout of blocks:

- (1) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in this Article, and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these subdivision regulations or the zoning ordinance and to provide for the required community facilities.
- (2) Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.
- (3) No block shall be longer than 1,200 feet or shorter than 400 feet and the block width shall accommodate two tiers of lots, except where unusual topography or other exceptional physical circumstances exist.

- (4) Where blocks are over 800 feet in length a cross-walk easement not less than 10 feet in width at or near the half-way point may be required, if necessary, to provide proper access to schools, recreational areas, shopping centers and other facilities.

Section 414 - Lots

The following regulations shall govern the design and layout of lots:

- (1) The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- (2) All lots shall conform to, or exceed the requirements of, these subdivision regulations and the zoning district requirements for the district in which they are located and the use for which they are intended.
- (3) Each lot shall front on a public thoroughfare. The minimum lot sizes, widths and set-backs shall be as specified in the Zoning Ordinance.
- (4) All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Commission determines that a variation to this rule would provide a better layout.
- (5) Lots with double frontage shall be avoided except where the Commission determines that it is essential to provide separation of residential development from arterial streets.
- (6) No corner lot shall have a width at the building line in each direction of less than that which is consistent with the Zoning Ordinance.
- (7) No lot shall have an average depth which is more than three times its average width, nor shall it have an average depth of less than 120 feet.

Section 415 - Site Grading

All lots shall be graded to carry surface water to an approved water course or storm sewer. Preliminary lot grading shall be completed at the time of street and utility installation to prevent water ponding on undeveloped lots.

A grading and drainage plan shall be submitted, showing all existing and proposed storm sewers, manholes, catch basins, water courses, culverts and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades or waterway openings indicated thereon. Topographic contours to one foot shall be indicated thereon. The plan shall show the method to be used for adequate disposal of all storm sewer water, including drainage outlets, and shall include a typical lot cross section drawn perpendicular to the street indicating lot grading and such other data as may be required by the Village Engineer. Such plan shall be drawn at a scale not less than 50 feet to the inch.

Section 416 - Easements

Easements at least 20 feet in width centered along rear or side lot lines shall be provided where necessary for sanitary sewers, gas mains, water lines and electric lines. Easements shall also be provided along every water course, storm sewer, drainage channel or stream within a subdivision. This is the minimum easement and larger easements may be required as deemed necessary and advised by the Village Engineer.

Section 417 - Storm Drainage

Storm drainage facilities shall be provided as approved by the Planning Commission and as determined by the Village Engineer. Storm sewer improvements shall be recommended in lieu of swales or drainage ditches, except where the commission determines otherwise acceptable.

- (a) Access to storm drainage ditches and channels shall be by means of easements. Such easements shall be equal to the width of the required cross section of said ditch plus 30 feet on one side and 10 feet on other side. Said easement shall be dedicated for public use for the purpose of widening, deepening or relocating.
- (b) Storm drainage easements containing underground facilities shall have a minimum width of 20 feet. The Planning Commission may require wider easements upon recommendations of the Village Engineer.

- (c) Whenever a storm drainage ditch or channel has a depth of five feet or more, a bank slope of two feet horizontal to one foot vertical or steeper, a five-foot high masonry wall or a five-foot high chain link fence may be required by the Commission.

Section 418 - Dedication of Park Lands or for Payments of Fees In-Lieu Thereof

As a condition of approval of a final plat of subdivision or of a final plat of a planned development, the Village of New Concord shall require land for park and recreational purposes, or cash contributions in lieu of land, or a combination of both, at the option of the Village, be provided to serve said needs specifically and uniquely attributable to the residents of the subdivision or planned development. This land or cash or combination thereof shall be provided in accordance with the following criteria and formula:

A. Criteria for Park and Recreational Land Requirements

1.

Open space; recreational facilities. Common open space and recreational facilities: requirements and disposition:

A. No less than twenty (420%) percent of the land in any approved Planned District Development Plan shall be designated common open space or permanently natural scenic preserves, arranged and restricted by easement, covenant, deed, or dedication to assure that such open spaces shall be permanently preserved and maintained. Such open spaces shall not include publicly dedicated streets, land in the right-of-ways of private streets, off-street parking areas, or loading areas;

B. Planned residence developments of 200 dwelling units or more shall provide, as a part of the parkland dedication requirement of subsection at least one five (5) acre relatively flat grassed common area for neighborhood field recreation, preferably integrated with a neighborhood pedestrian/jogging/ bicycle path system, or system of common areas, tot lots, or other similar areas at least five (5) acres total in area.

2. Location

The location and configuration of the site to be dedicated shall be determined by the Planning Commission based upon recommendations contained in the Comprehensive Plan and in consultation with any applicable municipal park and recreation committees. The Planning Commission shall also consider the suitability of the site for park purposes or development, its relationship to population concentrations, and its proximity to other park or recreational lands.

3. Minimum Size

The minimum size of any land to be dedicated for park and recreational purposes shall be no less than 10,000 square feet, one dimension of which cannot be less than 100 feet, except that the Planning Commission may recommend that the Village Council accept the dedication of a smaller size, when required by the specific plans of the development, and when the usefulness of the smaller area for park and recreational purposes is demonstrated.

4. Use of Detention Areas for Required Dedications

Detention areas for storm water control shall not qualify as land for park and recreational purposes, unless the use of the property for such purposes is clearly demonstrated.

5. Open Spaces and Recreational Areas

Land required for park and recreational purposes shall be owned and maintained by the Village or Homeowners Association. The Village shall approve the detailed plans for all improvements for such park and recreational land which is privately owned and maintained, and guarantees of the permanency of the use and maintenance of such privately owned and maintained park and recreational open space, satisfactory to and enforceable by the Village shall be entered into by the subdivider or developer, which guarantees may include covenants and/or express provisions in the articles of condominium ownership, or constitution and by-laws of a homeowners' association.

B. Criteria for Requiring a Contribution in Lieu of Park Sites

Where the development is small and the resulting land dedication is too small to be practical, or when the available land is inappropriate for park and recreational purposes as determined by the Planning Commission, the subdivider or developer shall pay a cash contribution in lieu of the land required.

1. **Cash Contribution in Lieu of Park and Recreational Land Dedications**
The cash contributions in lieu of park and recreational land dedications shall be held in trust by the Village, or other public body designated by the Village, solely for the acquisition of park and recreational land, which will be available to serve the immediate or future needs of the residents of that subdivision or development or for the improvement of any existing local park and recreational land that already services such needs.
2. **Refund of Cash Contribution**
If any portion of a cash contribution in lieu of park and recreational land dedication, or cash contribution in lieu of school site dedication is not expended for the purposes set forth herein 7 years from the date of receipt, it shall be refunded to the subdivider or developer who made such contribution, along with any accrued interest earned on such funds.
3. **Fair Market Value**
The cash contributions in lieu of land shall be based on the fair market value" of the acres of undeveloped land in the area to be improved as specified herein, that otherwise would have been dedicated as park and recreational sites. Evidence of the value of the land shall be provided by a third party and deemed acceptable by the Village Planning Commission.
4. **Criteria for Requiring Dedication and a Fee**
A combination of land dedication and a contribution in lieu of land shall be required, when:
 - a. The subdivision or development does not have sufficient or adequate land to meet the dedication requirements hereunder. That portion of the land within the subdivision or development which is adequate or sufficient for the park or school location shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.
 - b. A major part of the local park or recreational site or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required.
5. **Criteria for a Fully Developed Park**
A fully developed park, including appropriate lighting, grading, landscaping, and recreational equipment, may be required when the availability of land for park land is limited and where the recreational needs of the residents of the subdivision can be satisfied with a smaller but fully developed park with a more intensive activity level.

C **Combining with Adjoining Developments**
Park or recreational land dedications and school site dedications may be combined with dedications from adjoining subdivisions and developments in order to produce usable recreational areas or school sites without hardship on a particular developer.

D **Topography and Grading**
The slope, topography, and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on sites for park and recreational uses shall not differ greatly from surrounding land.

Section 419 - Public Use and Service Areas

(A) Easements for Utilities

- (1) Except where alleys are permitted, the Planning Commission shall require easements, ten feet in width, for poles, wires, conduits, storm and sanitary sewers, gas, and water mains or other utility lines, along all front and rear lot lines and alongside lot lines if necessary if in the opinion of the Planning Commission. Easements of the same or greater width may be required along the lines of, or across, lots where necessary for the extension of existing or planned utilities.

- (2) Public utility companies may be consulted for their opinion on easement locations and widths so as to minimize future difficulties in servicing. The Village Engineer shall present the plan to utility companies on behalf of the developer and municipality.
- (B) Community Assets - In all subdivisions due regard shall be shown for all natural features such as large trees, water courses, historical spots and similar community assets, which, if preserved, will add attractiveness and value to the property.
- (C) Suitability of the Land
 - (1) The Planning Commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that, in the best interest of the public, the site is not suitable for platting and development purposes of the kind proposed.
 - (2) Land designated as FEMA flood zone A or AE, property known to flood, and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- (D) Large Tracts or Parcels - When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.
- (E) Variances - Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission, a departure may be made without destroying the intent of such provisions, the Commission may authorize a variance. Any variance thus authorized is to be stated in writing in the minutes of the Planning Commission with the reasoning on which the departure was justified set forth.
- (F) Zoning or Other Regulations - No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms with such ordinance.

Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code or other official regulations, the highest standard shall apply.

ARTICLE 5 - REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

Section 500 - Guarantee for Installation of Improvements and Subdivision Improvement Agreements

- A) Completion of Improvements. Before the final subdivision plat is signed by the Chairman of the Planning Commission, all developers shall be required to complete, in accordance with the Planning Commission's decisions, and to the satisfaction of the Village Engineer, all the street, sanitary and other public improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, specified in the final subdivision plat and as approved by the Planning Commission, and to dedicate those public improvements to the Village of New Concord, free and clear of all liens and encumbrances on the dedicated property and public improvements. At the time that plans are approved, the developer shall be required to submit a construction time schedule, an estimate of construction costs and a material specification list itemizing the material type, supplier and manufacturer.
- (B) Subdivision Improvement Agreements and Guarantee.
- (1) Agreement. The Planning Commission at its sole discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final subdivision plat and, as an alternative, permit the applicant to enter into a subdivision improvement agreement by which the subdivider covenants to complete all required public improvements no later than two (2) years following the date on which the Chairman of the Planning Commission signs the final subdivision plat. The applicant shall covenant to maintain each required public improvement until acceptance by the Village Council of the dedication of that completed public improvement and also shall warrant that all required public improvements will be free from defect for a period of two (2) years following the acceptance by the Village Council of the dedication of the last completed public improvement. The subdivision improvement agreement shall contain such other terms and conditions agreed to by the applicant and the Planning Commission.
- (2) Covenants to Run. The subdivision improvement agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs and assignees of the subdivider. The subdivision improvement agreement will be approved by the Planning Commission and Village Council, and shall be recorded in the Muskingum County Records Office
- (C) Security. Whenever the Planning Commission permits an applicant to enter into a subdivision improvement agreement, it shall require the applicant to provide a bond or cash escrow as security for the promises contained in the subdivision improvement agreement. Security shall be in an amount equal to one hundred and fifteen (115) percent of the estimated cost of completion of the required public improvements, including lot improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the Planning Commission.
- (1) Cash Escrow. If the applicant posts a cash escrow as security for its promises contained in the subdivision improvement agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to a return of any of the funds except as provided herein and (2) that the escrow agent shall have a legal duty to deliver the funds to the Village of New Concord whenever the Village Law Solicitor presents an affidavit to the agent attesting to the municipality's right to receive funds whether or not the subdivider protests that right. If and when the Village of New Concord accepts the offer of dedication for the last completed required public improvement, the Village shall execute a waiver of its right to receive all but ten (10%) of the funds represented by the letter of credit or cash escrow if the subdivider is not in breach of the subdivision improvement agreement. The residual funds shall be security for the subdivider's covenant to maintain the required public improvements and its warranty that the improvements are free from defect.
- (2) Bond. The subdivider may post a bond as security for promises contained in the subdivision improvement agreement subject to the approval of the Village Attorney, and Village Council.
- (3) Temporary Improvement. The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and shall maintain those temporary improvements for the period specified by the Planning Commission.
- (4) Costs of Improvements. All required improvements shall be made by the developer, at his or her expense, without reimbursement by the local government or any improvement district except that, as may be allowed under state law, the

developer may form or cause to be formed a special district or districts to construct and finance the construction of required public improvements excluding lot improvements on individual lots.

(5) Failure to Complete Improvement. For subdivisions for which no subdivision improvement agreement has been executed and no security has been posted, if the improvements are not completed within the period specified by the Planning Commission in the resolution approving the plat, the sketch plat or preliminary plat approval shall be deemed to have expired. In those cases where a subdivision improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the Village of New Concord may then: (1) declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default; (2) suspend final subdivision plat approval until the improvements are completed and record a document to that effect for the purpose of public notice; (3) obtain funds under the security and complete improvements itself or through a third party; (4) assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owners promise to complete improvements in the subdivision; (5) exercise any other rights available under the law.

(6) Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by ordinance of the Village Council. The approval of a subdivision plat by the Planning Commission, whether sketch, preliminary or final, shall not be deemed to constitute or imply the acceptance by the Village of any street, easement or park shown on plat. The Planning Commission may require the plat to be endorsed with appropriate notes to this effect.

(D) Inspection of Improvements.

(1) General Procedure and Fees. The Village Engineer shall provide for inspection of required improvements during construction and ensure their satisfactory completion. The developer shall pay to the Village of New Concord an inspection fee based on the estimated cost of inspection, and where the improvements are completed prior to final plat approval, the subdivision plat shall not be signed by the Chairman of the Planning Commission unless the inspection fee has been paid at the time of application. These fees shall be due and payable upon demand of the Village and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Village Engineer finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the Village's construction standards and specifications, the applicant shall be responsible for properly completing the improvements. The developer shall notify the Village Engineer 48 hours minimum in advance of the date on which construction is to commence so inspection may be appropriately schedule.

(2) Release or Reduction of Security.

(a) Certificate of Satisfactory Completion. The New Concord Village Council will not accept dedication of required improvements, nor release nor reduce the amount of any security posted by the subdivider until the Village Engineer has submitted a statement indicating that all required improvements have been satisfactorily completed and until (1) the developer has certified to the Village Engineer, through submission of a detailed "as-built" drawings of the subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission or Village Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and (2) evidence, satisfactory to the Village Law Director, is furnished indicating that the improvements have been completed, are ready for dedication to the Village and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the Planning Commission, Village Engineer and Law Director, the Village Council shall thereafter accept the improvements for dedication in accordance with the established procedure, and State Law. For one (1) year after Village Council acceptance of the improvements, the Developer must provide a maintenance bond for 10% of the construction estimate for the purpose of guaranteeing the work completed.

(b) Reduction of Escrow Funds and Security. If the security posted by the subdivider was a cash escrow, the amount of that escrow shall be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. Funds held in the escrow account shall not be released to the subdivider, in whole or in part, except upon express written instructions of the Village Law Director. At the end of the warranty periods, all escrow funds, shall be released to the subdivider.

(E) Maintenance of Improvements.

The developer shall be required to maintain all required public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the improvements by the governing body.

Section 501 - Construction Procedure and Materials

The subdivider shall design and construct improvements in accordance with the "Construction and Material Specifications" of the State of Ohio Department of Transportation, Ohio Environmental Protection Agency and the Village of New Concord. All inspection costs shall be paid for by the subdivider, and all work shall be done under Village of New Concord supervision.

- 501.1 The Village of New Concord requires that plans be drawn, including specifications for material and equipment to be incorporated in the work, all in accordance with its standards and specifications. All improvements shall be installed, tested and sterilized where applicable under the immediate and direct supervision of the Village Engineer.
- 501.2 All provisions of the current Village of New Concord construction specifications shall be strictly complied with in the construction of improvements or appurtenances thereto. Under no conditions shall the municipality accept an improvement and connect it to the municipality system unless the work has been done in accordance with these standards, including plan preparation, furnishing of materials and installation under the direct supervision of the Village Engineer or his authorized representative.
- 501.3 The developer is cautioned that unless otherwise specifically authorized operation of municipality system valves, hydrants or other appurtenances or removal of any system pipe, fittings, special services or appurtenances is not permitted by other than municipality personnel. The contractor is required upon completion to furnish all equipment and supplies necessary to pressure test and sterilize utility improvements in accordance with municipality specifications.
- 501.4 Upon an approved pressure and sterilization test report and the receipt of a one year, 50 percent maintenance bond, the utility shall be certified for service taps.

Section 502 - Monuments, Markers and Pins

- (a) One Type "A" concrete monument shall be set at each change in direction of the boundary of the plat and at each intersection of those boundary lines with the centerline of all streets. One "Type B" concrete monument shall be set at the points of intersection of centerline of all streets and on the centerline of streets at the points of curvature.
- (b) All other lot corners shall be marked with a standard survey pin or iron not less than three-fourths inches in diameter and twenty-four inches long and driven so as to be flush with finished grade.

Section 503 - Street Improvements

All streets shall be graded to their full width, including side slopes and improved in conformance with the standards given or referred to in these regulations.

Section 504 - Street Width

Minimum street pavement widths shall conform to the standards given in Article 4.

Section 505 - Street Subgrade

The subgrade shall be free of sod, vegetative or organic matter, soft clay and other objectional materials for a depth of at least two feet below the finished surface. The subgrade shall be properly rolled, shaped and compacted and shall be subject to the approval of the Village Engineer in accordance with Ohio Department of Transportation specifications.

Section 506 - Street Pavement

- 506.1 The developer, with consent of the Village Administrator or designee, shall utilize one of the following types of pavement for his subdivision: 1) Portland Cement Concrete Pavement with integral concrete curb, 2) Asphaltic Concrete Pavement with concrete curbs, 3) Asphaltic Concrete Pavement with concrete curb and gutter, and 4) Composite Pavement consisting of an asphaltic concrete surface on a Portland Cement Concrete base with integral concrete curb.

- 506.2 Soils - Soils testing will be required at the developer's expense to determine or verify the pavement design information being supplied.
- 506.3 The pavement thickness design, composition, materials and typical section shall be based on, and determined by, a careful analysis of traffic data, a detailed soils investigation and a study of the strength of materials. The supporting pavement design data and soil tests shall be submitted to the Village Engineer along with the detailed plans for his review and approval.
- 506.4 The absolute minimum allowable design of portland cement concrete pavement with integral concrete curbs shall be a minimum of seven inches (7") in depth and will include longitudinal joint tie bars.
- 506.5 The absolute minimum allowable design of flexible pavement shall be three inches of Asphaltic Concrete over 10 inches of aggregate base minimum, or equivalent structural thickness, and no less than as specified in the "Construction and Material Specifications" of the State of Ohio, Department of Transportation.
- 506.6 All pavements and appurtenant items shall be constructed in accordance with the current "Construction and Material Specifications" of the State of Ohio, Department of Transportation.

Section 507 - Curbs, Curb and Gutters

Concrete curbs shall be required for all streets and shall be one of the types specified below.

- (1) Straight Curb - For use with flexible pavement.
- (2) Straight Curb - To be poured integrally with concrete pavement or 2'-6" combination curb and gutters.
- (3) Rolled Curb - To be poured integrally with concrete pavement.
- (4) Mountable Curb - To be poured integrally with concrete pavement or with a 2'-6" combination curb and gutter section.

Curbs, combined curbs and gutters shall be constructed in accordance with the current "Construction and Material Specifications" of the State of Ohio, Department of Transportation.

Section 508 - Sidewalks

- (A) For the safety of pedestrians and of children at play, installation by the developer of sidewalks on both sides of streets will normally be required. The Commission may waive the requirements of sidewalks where park, railroad or other use on one side of a street makes a sidewalk nonessential. Sidewalks will be required in all areas, including commercial and industrial areas.
- (B) Sidewalks shall be located not less than one foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date.
- (C) Sidewalks in commercial and industrial areas shall conform to adjacent sidewalks in width or otherwise be five foot minimum.
- (D) All sidewalks shall be constructed according to ODOT and ADA specifications

Section 509 - Driveways

Driveways shall have a maximum grade of eight percent (8%). Driveways and curb cuts shall be located not less than three feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three feet wider than the driveway pavement on each side. Driveways shall be constructed with a finished surface. The construction shall consist of concrete, asphalt or brick.

Section 510 - Street Name Signs and Street Naming

- (1) Street name signs, of a type in use throughout the municipality, shall be erected by the subdivider at all intersections. Street sign locations and installation shall be determined by the Planning Commission.

- (2) For purposes of street naming, the following suffixes shall apply:
- (a) Avenue shall be used only for streets that run in a generally east-west direction;
 - (b) Boulevard or Drive shall be used only for a large meandering type street;
 - (c) Circle or Court shall be used only for cul-de-sac type streets that run in a generally east-west direction;
 - (d) Lane or Place shall be used only for cul-de-sac type streets that run in a generally north-south direction;
 - (e) Road or Way shall be used only for streets that run in a diagonal manner, either a generally northwest-southeast direction;
 - (f) Street shall be used for thoroughfares that run in a generally north-south direction;
 - (g) The words north, south, east or west should be avoided as part of a street name whenever possible.

Section 511 - Street and Walkway Lighting

- (1) The subdivider shall install street lights in accordance with standards and specifications of the Local Power Company and Village Engineer in each residential subdivision. Such lights shall be located at each entrance (streets and walkways) to the subdivision and in each street intersection within the subdivision. In addition, whenever the distance between two adjacent street (walkway) lights would exceed 300 feet, then additional lights shall be installed in such a manner that proper light intensity shall be provided and maintained. The subdivider shall submit to the Local Power Company a final plat plan. The Power Company will design and submit to the subdivider a street lighting design to be submitted to the Planning Commission for review and approval.
- (2) New subdivision street and walkway lighting shall be installed with all associated wiring underground.

Section 512 - Street Trees

Trees shall be provided by the subdivider in all subdivisions. A master landscape plan shall be reviewed by the Village Tree Committee for their input and a recommendation shall be made to the Planning Commission.

Trees shall be planted so as not to cause interference with underground utilities, street lighting or visibility of street intersections. Trees shall not be planted prior to the construction of sidewalks. Existing trees should be retained in new subdivisions wherever possible.

Section 513 - Utilities General

- (a) After grading is completed and approved and before any base is applied, all of the underground work, water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.
- (b) All utilities shall be placed in streets before roadway surfacing is attempted. Taps for sewer, water, gas and any other utilities underground shall be extended ten feet (10') into the property line before roadway surfacing is done.

Section 514 - Water Supply Improvements & Fire Protection

The following requirements shall govern water supply improvements:

The subdivider shall provide a complete water distribution system, and appropriately spaced fire hydrants and valving. Public water distribution systems shall meet the requirements of the Ohio Environmental Protection Agency.

Fire hydrants with two (2) 2½" outlets and one 4½" steamer connection (or approved alternate by the Fire Department) shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length. The maximum spacing for fire hydrants shall be 400 feet for residential areas and 300 feet for commercial and industrial areas. The type of hydrant and control valves and the location of the hydrant shall be approved by the Village Administrator. The minimum size of any water line serving any hydrant shall not be less than eight inches (8") in diameter and should be circulating water lines. The size and location of all water lines should be approved by the Village Engineer and the Board of Public Affairs. The Insurance Services Office of Ohio should also approve the size and location of water lines for commercial and industrial subdivisions.

Section 515 - Sanitary Sewer Improvements

Minimum eight (8) inch diameter public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency. Combination of sanitary sewers and storm sewers shall be prohibited.

Section 516 - Drainage Improvements

The subdivider shall construct all necessary facilities, including underground pipe, inlets, catch basins or open drainage ditches, as determined by the Village Engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The velocity of flow in an open ditch shall not exceed four feet per second in soil ditches or six feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified, or if it is otherwise determined that destructive erosion will result. Drainage ditches shall be, in general, unacceptable in lieu of an underground storm sewer system, unless otherwise determined by the Planning Commission.

Section 517 - Storm Sewer Outlets and Storm Water Drainage

Where an adequate public storm sewer is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not reasonably accessible, an alternate storm sewer system or natural drainage channels with easements of adequate width shall be provided as determined by the Village Engineer and approved by the Planning Commission. Storm drainage, including drain tile around basements shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

Section 518 - Culverts and Bridges

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

1. All roadway culverts, where permitted, shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be approved by the Village Engineer. The minimum equivalent diameter of a culvert pipe shall be 18 inches. Depending on existing drainage conditions, head walls may be required.
2. Driveway culverts shall have a minimum length of 20 feet, and a minimum diameter of 12 inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Headwalls may be required.

Section 519 - Electric, Gas and Telephone Improvements

1. Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric and street lighting wires, conduits and cables shall be constructed underground and in the rear of all lots, except in cases where the Planning Commission determines that topographic, bedrock or underground water conditions would limit proper installation.
2. Overhead utility lines, where permitted, shall be located at the rear of all lots. The width of the easement per lot shall not be less than ten feet and the total easement shall not be less than 20 feet.

Whenever more than one utility, including (sanitary sewer, storm sewers and water lines) are placed underground in the same utility easement, the location of the utilities and the width of the easement shall be determined by the Village Engineer. The total easement width shall not be less than 20 feet.

3. Identification tape shall be placed in all trenches containing underground utilities and shall be located 12 inches above the utility.

Section 520 - Over-Size and Off-Site Improvements

The utilities, pavements and other land improvements required for the proposed subdivision shall be designed of over-size and/or with extensions provided to serve nearby land, which is an integral part of the neighborhood service or drainage area as determined by the Village Engineer.

Section 521 - Cost of Over-Size Improvements

The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers or water lines which are serving the proposed subdivision as determined by the Village Engineer. The municipality shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas specified in Section 520.

Section 522 - Extensions to Boundaries

The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining un-subdivided land, as determined by the Planning Commission.

Section 523 - Off-Site Extensions

If streets or utilities are not available at the boundary of a proposed subdivision, and if the Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties, or as a municipal expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdivider of adjoining land.

Section 524 - As Built Drawings and Final Inspection

Upon completion of all the improvements and submission of as built drawings, the subdivider shall request, in writing, a final inspection by the Village Engineer as required under Section 711.091 of the Ohio Revised Code.

ARTICLE 6 - REVISIONS, ENFORCEMENT

Section 600 - Recording of Plat

No plat of any subdivision shall be recorded by the Muskingum County Recorder or have any validity until said plat has received final approval in the manner prescribed in these regulations.

Section 601 - Revision of Plat After Approval

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Commission.

Section 602 - Sale of Land Within Subdivisions

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of the subdivision before such plat has been approved and recorded in the manner prescribed in these regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provision of these regulations.

Section 603 - Schedule of Fees, Charges and Expenses

Council shall establish a schedule of fees, charges and expenses, and a collection procedure for same, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Clerk and may be altered or amended only by Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 604 - Variances

The following regulations shall govern the granting of variances:

1. Where the Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, it may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community and also provided there is no increase in the flood hazard or flood damage potential. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the comprehensive plan or the zoning ordinance, if such exists.
2. In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

Section 605 - Appeal

Any person who believes he has been aggrieved by the regulations or actions of the Planning Commission, has all the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code.

Section 606 - Penalties

The following penalties shall apply to the violations of these regulations:

1. Whoever violates any rule or regulation adopted by the Council for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision, or fails to comply with any order pursuant thereto, is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the municipality

or any citizen thereof. Whoever violates these regulations shall pay not less than \$100, nor more than \$1,000. Such sum may be recovered with costs in civil action brought in the Court of Common Pleas.

2. A Muskingum County Recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than \$100, nor more than \$500, to be recovered with costs in a Muskingum County Prosecuting Attorney.
3. Whoever, being the owner or the agent of the owner of any land within or without a municipal corporation, transfers any lot, parcel or tract of such land from, or in accordance with, a plat of a subdivision before such plat has been recorded in the office of the Muskingum County Recorder shall forfeit and pay the sum of not less than \$100, nor more than \$500, for each lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Common Pleas by the legal representative of the municipality in the name of the municipality.
4. Any person who disposes of, offers for sale or lease, for a time exceeding five years, any lot or any part of a lot in a subdivision before provisions of these regulations are complied with shall forfeit and pay the sum of not less than \$100, nor more than \$500, for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action in the name of the municipality.

ARTICLE 7 - ENACTMENT

Section 700 - Effective Date

These regulations shall become effective from and after the date of its approval and adoption by the Planning Commission and Council, after public hearing and certification to the Muskingum County Recorder. Henceforth, any other regulations previously adopted by the Council or the Planning Commission shall be deemed to be repealed. These regulations shall in no way affect any subdivision having received preliminary approval prior to the effective date provided, however, that no changes to the preliminary plat, as approved, are introduced by the subdivider.

